

REMARKS

The indication in the Advisory Action that claims 3, 4, 9, 10 and 12-14 are allowed has been noted with appreciation. The Sequence Listing has been amended to remove the informalities noted by the Examiner and referenced in the Raw Sequence Listing Error Report attached to the Advisory Action.

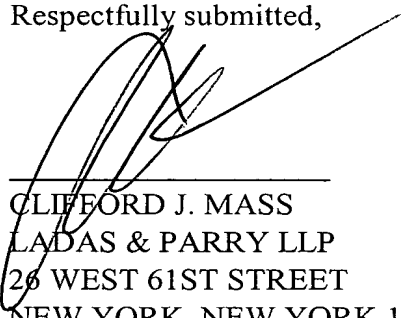
With respect to the Examiner's objection that the Statement of Biological Culture Deposit lacks a copy of a statement of viability executed by the depository, Applicants' undersigned representative hereby states on behalf of Applicants that the deposits recited in Claim 1 (i.e., those identified by Accession Nos. P97121504, P7121505 and P97121506) have been accepted under the Budapest Treaty (see supporting documentation submitted herewith). This statement is respectfully believed to satisfy the requirements of 37 CFR 1.807. See, MPEP Section 2409 ("Under the Budapest Treaty, there is a requirement that the deposit be tested for viability before it is accepted. Thus, a mere statement by an applicant, an authorized representative of applicant or the assignee that the deposit has been accepted under the Budapest Treaty would satisfy 37 CFR 1.807.").

The sole remaining requirement noted in the Advisory Action is for cancellation of the withdrawn (non-elected) claims. Applicants have now canceled all of the non-elected claims with the exception of method of use claims 19 and 20, which contain all of the limitations of the allowed product claims from which they depend. Applicants respectfully submit that these

claims should be rejoined in the application pursuant to the provisions of MPEP Section 821.04.

In view of the above, it is respectfully submitted that all objections and rejections of record have been overcome and that the application is now in allowable form. Nevertheless, if the Examiner considers that something further is needed to place the application into allowable form, she is respectfully invited to telephone the undersigned to discuss.

Respectfully submitted,



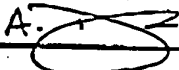
CLIFFORD J. MASS
LADAS & PARRY LLP
26 WEST 61ST STREET
NEW YORK, NEW YORK 10023
REG. NO.30,086(212)708-1890



ecacc
European Collection
of Cell Cultures

Centre for Applied Microbiology and Research
&
European Collection of Cell Cultures

This document certifies that Plasmid
(Deposit Ref. P97121506) has been accepted as a patent deposit,
in accordance with
The Budapest Treaty of 1977,
with the European Collection of Cell Cultures on 15th December 1997

A. 

Dr Alan Doyle,
Scientific Leader

CAMR
Today's Research
Tomorrow's Health



No. FSJ3819

European Collection of Cell Cultures, Centre for Applied Microbiology & Research
Salisbury, Wiltshire SP4 0JG, UK.

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E-Mail: ecacc@camr.org.uk Web Site: www.camr.org.uk

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Appendix 3
page 24

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

To
Government of the Republic
of Singapore
College of Medicine Building
16 College Road,
Singapore 169854
Republic of Singapore

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY STATEMENT
IS ISSUED

I. DEPOSITOR.	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: Government of the Republic of Singapore</p> <p>Address: College of Medicine Building 16 College Road Singapore 169854 Republic of Singapore</p>	<p>Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 97121504</p> <p>Date of the deposit or of the transfer: 15th December 1997</p>
III. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 15th December 1997</p> <p>On that date, the said microorganism was</p> <p><input checked="" type="checkbox"/> viable</p> <p><input type="checkbox"/> no longer viable</p>	

- 1 Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
- 2 In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.
- 3 Mark with a cross the applicable box.

Appendix 3 -
page 25IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED⁴

INTERNATIONAL DEPOSITARY AUTHORITY

Name: Dr A Doyle
ECACC, CAMR
Address: Porton Down
Salisbury
SP4 0JG

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

22.7.98

⁴ Fill in if the information has been requested and if the results of the test were negative.

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European Collection
of Cell Cultures

Centre for Applied Microbiology and Research
&
European Collection of Cell Cultures

This document certifies that Plasmid
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Dr Alan Doyle,
Scientific Leader

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No. F533819

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page 24

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

VIABILITY STATEMENT

issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

Government of the Republic
Singapore
College of Medicine Building
16 College Road, Singapore

Republic of Singapore
AND ADDRESS OF THE PARTY
FROM THE VIABILITY STATEMENT
IS ISSUED

SPONSITOR	II. IDENTIFICATION OF THE MICROORGANISM
Government of the Republic of Singapore College of Medicine Building 16 College Road Singapore 169854 Republic of Singapore	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 97121506 Date of the deposit or of the transfer: 15th December 1997

VIABILITY STATEMENT
<p>Viability of the microorganism identified under II above was tested: 15th December 1997</p> <p>1. On that date, the said microorganism was</p> <p>1. viable</p> <p>2. no longer viable</p>

state the date of the original deposit or, where a new deposit or a transfer has been
, the most recent relevant date (date of the new deposit or date of the transfer).

In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability
with a cross the applicable box.

IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED

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INTERNATIONAL DEPOSITARY AUTHORITY

Name: Dr A Doyle
ECACC, CAMR
Address: Porton Down
Salisbury
SP4 0JG

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

A. Doyle

22.7.98

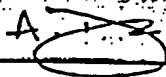
Fill in if the information has been requested and if the results of the test were negative.



ecacc
European Collection
of Cell Cultures

Centre for Applied Microbiology and Research
&
European Collection of Cell Cultures

This document certifies that Plasmid
(Deposit Ref. P97121504) has been accepted as a patent deposit,
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The Budapest Treaty of 1977,
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A 

Dr Alan Doyle,
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CAMR

Today's Research
Tomorrow's Health



No. F533619

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO
Government of the Republic
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College of Medicine Building
16 College Road, Singapore
169854

Republic of Singapore

NAME AND ADDRESS OF THE PARTY
TO WHOM THE VIABILITY STATEMENT
IS ISSUED

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified on the following page

I. DEPOSITOR	II. IDENTIFICATION OF THE MICROORGANISM
<p>Name: Government of the Republic of Singapore</p> <p>Address: College of Medicine Building 16 College Road, Singapore 169854 Republic of Singapore</p>	<p>Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: 97121505</p> <p>Date of the deposit or of the transfer: 15th December 1997</p>
III. VIABILITY STATEMENT	
<p>The viability of the microorganism identified under II above was tested on 15th December 1997</p> <p><input checked="" type="checkbox"/> ³ viable</p> <p><input type="checkbox"/> no longer viable</p> <p>² On that date, the said microorganism was</p>	

- ¹ Indicate the date of the original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
- ² In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test.
- ³ Mark with a cross the applicable box.

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APPENDIX 3

page 14

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

TO
Government of the Republic
of Singapore
College of Medicine Building
16 College Road
Singapore 169854
NAME AND ADDRESS
OF DEPOSITOR
Republic of Singapore

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM

Identification reference given by the
DEPOSITOR:

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

FIXHBV1455K

97121505

II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

The microorganism identified under I above was accompanied by:

☒ a scientific description

☐ a proposed taxonomic designation

(Mark with a cross where applicable)

III. RECEIPT AND ACCEPTANCE

This International Depositary Authority accepts the microorganism identified under I above,
which was received by it on 15/12/1997 (date of the original deposit).

IV. RECEIPT OF REQUEST FOR CONVERSION

The microorganism identified under I above was received by this International
Depositary Authority on (date of the original deposit) and
a request to convert the original deposit to a deposit under the Budapest Treaty
was received by it on (date of receipt of request for conversion)

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name: Dr A Doyle
ECACC, CAMR
Porton Down
Address: Salisbury SP4 0JG

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

22.7.98

Where Rule 6.4(d) applies, such date is the date on which the status of international depositary
authority was acquired.

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APPENDIX 3

page 14

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

ent of the Republic
apore
of Medicine Building
ege Road
re 169854
AME AND ADDRESS
OF DEPOSITOR
C of Singapore

NT: TION OF THE MICROORGANISM

ication reference given by the
OR:

1455K

Accession number given by the
INTERNATIONAL DEPOSITARY AUTHORITY:

97121505

IENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION

icroorganism identified under I above was accompanied by:

a scientific description

a proposed taxonomic designation

ith a cross where applicable)

RECEIPT AND ACCEPTANCE

International Depositary Authority accepts the microorganism identified under I above,
was received by it on 15/12/1997 (date of the original deposit)

RECEIPT OF REQUEST FOR CONVERSION

icroorganism identified under I above was received by this International
tary Authority on (date of the original deposit) and
ast to convert the original deposit to a deposit under the Budapest Treaty
ceived by it on (date of receipt of request for conversion)

INTERNATIONAL DEPOSITARY AUTHORITY

Dr A Doyle
ECACC, CAMR
Porton Down
Salisbury SP4 0JG

Signature(s) of person(s) having the power
to represent the International Depositary
Authority or of authorized official(s):

Date:

22.7.98

note Rule 6.4(d) applies, such date is the date on which the status of international depositary
authority was acquired.

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